

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

ANTHONY MICHAEL CORBIN,)	CASE NO. 5:09 CV 2986
)	
Petitioner,)	JUDGE PETER C. ECONOMUS
)	
v.)	
)	<u>MEMORANDUM OF OPINION</u>
STATE OF OHIO,)	<u>AND ORDER</u>
)	
Respondent.)	

On December 23, 2009, petitioner pro se Anthony Michael Corbin filed the above-captioned petition for writ of habeas corpus under 28 U.S.C. § 2254. Mr. Corbin is incarcerated in an Ohio penal institution, having been convicted of aggravated robbery with a gun specification, and grand theft. For the reasons stated below, the petition is denied and this action is dismissed.

A federal court may entertain a habeas petition filed by a person in state custody only on the ground that he is in custody in violation of the Constitution, laws, or treaties of the United States. 28 U.S.C. § 2254(a). In addition, petitioner must have exhausted all available state remedies. 28 U.S.C. § 2254(b).

Mr. Corbin raises four grounds in support of the petition. It is evident on the face of the petition, however, that he has yet to pursue his state court remedies. The petition is thus

premature.¹

Accordingly, pursuant to Rule 4 of the Rules Governing Section 2254 Cases, this action is dismissed without prejudice for failure to exhaust state court remedies. Further, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis on which to issue a certificate of appealability, Fed.R.App.P. 22(b); 28 U.S.C. § 2253.

IT IS SO ORDERED.

S/Peter C. Economus - 2/1/10

PETER C. ECONOMUS

UNITED STATES DISTRICT JUDGE

¹ This court expresses no opinion concerning whether:
1) some or all of petitioner's claims are cognizable, or 2) he may be found to have procedurally defaulted on said claims once he exhausts the state remedies available to him.